

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KEVIN ARNAZ WHALEY-EL,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF
CORRECTIONS, *et al.*,

Defendants.

Case No. 22-cv-12725
Honorable George Caram Steeh
Magistrate Judge Elizabeth A. Stafford

**ORDER GRANTING DEFENDANTS' MOTION
TO TAKE PLAINTIFF'S DEPOSITION
(ECF NO. 40)**

Plaintiff Kevin Arnaz Whaley-El, a pro se prisoner, filed this civil rights action under 42 U.S.C. § 1983 based on the conditions of his confinement at the St. Louis Correctional Facility. ECF No. 1. The Honorable George Caram Steeh referred the case to the undersigned for all pretrial matters under 28 U.S.C. § 636(b)(1). ECF No. 18. Defendants move for leave to depose Whaley-El under Federal Rule of Civil Procedure 30(a)(2)(B). ECF No. 40.

Under Rule 30(a)(2), a party must obtain leave of the court to depose a person who is confined in prison, and the court must grant such leave

when it is consistent with the scope and limits of discovery set forth in Rule 26(b)(2). The requirements of Rule 30(a)(2) are satisfied. Whaley-El is currently incarcerated at the Lakeland Correctional Facility, and defendants' request to depose him aligns with Rule 26(b). Defendants' motion for leave to depose Whaley-El is **GRANTED**.

s/Elizabeth A. Stafford
ELIZABETH A. STAFFORD
United States Magistrate Judge

Dated: June 10, 2024

NOTICE TO PARTIES ABOUT OBJECTIONS

Within 14 days of being served with this order, any party may file objections with the assigned district judge. Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. “**When an objection is filed to a magistrate judge’s ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.**” E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE

The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on June 10, 2024.

s/Donald Peruski
DONALD PERUSKI
Case Manager